

# United States District Court

WESTERN DISTRICT OF NEW YORK

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Jeremiah Brinson

## JUDGMENT IN A CIVIL CASE

CASE NUMBER: 01-CV-405

v.

Hans Walker

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that the petition for a writ of habeas corpus is granted based on petitioner's claim that his Confrontation Clause rights were violated by the trial court's decision to preclude cross-examination of the complainant concerning his alleged racial hostility. The prisoner shall be released unless within 60 days the state commences prosecution. This decision is stayed until all appellate proceedings are completed and a final mandate is received by this court. No certificate of appealability is granted with respect to Brinson's remaining claims.

Date: 1/6/06

RODNEY C. EARLY, CLERK

By: s/Deborah M. Zeeb  
Deputy Clerk